

1 Alan A. Dressler, Esq. (SBN #56916)  
 2 633 Battery St., Suite 635  
 3 San Francisco, California 94222  
 (415) 421-7980

4 Attorney for Defendant Jimmy G.Y. Lee

5 )  
 6 UNITED STATES OF AMERICA )

7 Plaintiffs, )

8 vs. )

9 JIMMY GONG YANG LEE, )

10 Defendant. )  
 11 \_\_\_\_\_ )

**CR No. 05-00395 CRB**

**REQUEST, STIPULATION AND  
ORDER**

12 This matter is currently on the Court's calendar for July 26, 2006. Through counsel, defendant  
 13 Jimmy Gong Yang Lee and the United States ask the Court to (a) vacate the July 26, 2006 date based  
 14 on the defendant's anticipated plea agreement, (b) set a date of August 23, 2006 for change-of plea,  
 15 and exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from July 26, 2006 to August 23,  
 16 2006.

17 1. The parties have been diligently working out the language of a plea agreement and request  
 18 that the court set the matter for August 23, 2006 for change-of-plea. It was anticipated that a plea  
 19 agreement would have been signed by July 26, 2006, however, there are a number of immigration  
 20 related legal questions which need to be resolved in order to proceed. Counsel for defendant has  
 21 retained the services of an immigration specialist to advise him and defendant in this regard. The  
 22 parties believe that all of these matters will be resolved by August 23, 2006.

23 2. The parties agree that the time between July 26, 2006 and August 23, 2006 should be  
 24 excluded from the Speedy Trial Act clock. Previously, this Court has declared this case complex.,  
 25 See 18 U.S.C. § 3161(h)(8)(B)(ii). Because of the need for defense counsel to obtain the assistance  
 26 of immigration counsel the parties agree that the continuance is necessary for the effective preparation  
 27 of defense counsel taking into consideration of due diligence. See 18 U.S.C. §3161(h)(8)(B)(iv). The  
 28 parties also agree that the ends of justice served by excluding the period from July 26, 2006 to August

23, 2006 outweigh the interest of the public and the defendant to a Speedy Trial. See id.  
3161(h)(8)(A).

STIPULATED:

DATE: July 20, 2006

/S/ PETER B. AXELROD  
PETER B. AXELROD  
LAUREL BEELER  
Assistant U.S. Attorneys

DATE: July 20, 2006

/S/ ALAN DRESSLER  
Alan Dressler  
Attorney for Defendant  
Jimmy Gong Yan Lee

**ORDER**

For good cause shown, and for the reasons stated above, the Court (a) vacates the July 26, 2006, hearing date for defendant Jimmy Gong Yang Lee based on the anticipated plea agreement, (b) sets the matter for change-of-plea on August 23, 2006 at 10:00 a.m., and (c) excludes time under the Speedy Trial Act, 18 U.S.C. § 3161, from July 26, 2006 to August 26, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

**IT IS SO ORDERED.**

DATED: July 20, 2006

